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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

_____)	
Innovation Law Lab, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:19-cv-0807-RS
)	
Alejandro Mayorkas, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**JOINT STATUS REPORT AND REQUEST TO CONTINUE HOLDING ORDER TO
SHOW CAUSE IN ABEYANCE**

The parties submit this status report, and respectfully request that the Court continue to temporarily hold in abeyance the Order to Show Cause issued by this Court on August 6, 2021.¹ See Dkt. 131. The Order to Show Cause directed Plaintiffs to respond, by August 16, 2021, as to why the instant case should not be dismissed as moot. The parties have jointly moved to temporarily hold the deadlines in this case in abeyance several times, and the Court has granted each of those requests. *See* Dkts. 133, 136, 138.

Granting a further abeyance will give the parties time to continue to meet and confer regarding outstanding issues presented by the case, including whether settlement is possible and how this case should proceed in light of the nationwide injunction in *Texas v. Biden*, No. 2:21-cv-0067, 2021 WL 3603341 (N.D. Tex. Aug 13, 2021). As to settlement, the parties have exchanged settlement offers, and Plaintiffs presently are considering Defendants counter. As to the *Texas* injunction, the government recently announced, contingent on the agreement of Mexico—which has not yet been secured—the Department of Homeland Security (DHS) expects be “in a position to re-implement MPP by mid-November.” *See* Dkt. 111 at 1, *Texas v. Biden*, No. 2:21-cv-0067 (N.D. Tex.) (notice of compliance). Should MPP be re-implemented, that may impact the issues pending in this case. In addition, the government has also announced that it “intends to issue in the coming weeks a new memorandum terminating the [MPP].” *See* DHS Announces Intention to Issue New Memo Terminating MPP, <https://www.dhs.gov/news/2021/09/29/dhs-announces-intention-issue-new-memo-terminating-mpp>. Such termination may also impact the issues in this case.

The parties continue to meet and confer, but more time is needed, as no public announcement concerning MPP’s operation or termination has yet been made. An order continuing to hold the Order to Show Cause in abeyance is therefore warranted. Accordingly, the parties request that the Court continue the temporary abeyance of the briefing deadline for the Order to Show Cause. The parties propose to submit another joint statement one month from today, on November 24, 2021.

¹ Undersigned counsel conferred with counsel for Plaintiffs, who join this motion.

1 Respectfully submitted,

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15 Dated: October 25, 2021

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Dated: October 25, 2021

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2021, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of for the Northern District of California by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

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